

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference
114012:MPO:kf

Date of mailing (day/month/year) **26 APR 2005**

FOR FURTHER ACTION
See paragraph 2 below

International application No. PCT/AU2005/000197	International filing date (day/month/year) 16 February 2005	Priority date (day/month/year) 16 February 2004
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International Patent Classification (IPC) or both national classification and IPC
Int. Cl.⁷ A61K 33/34; A61P 15/16

Applicant
CONVE LTD et al

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929</p>	<p>Authorized Officer S. CHEW Telephone No. (02) 6283 2248</p>
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2005/000197

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2005/000197

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 1-8, 27	YES
	Claims 9-26	NO
Inventive step (IS)	Claims 1-8, 27	YES
	Claims 9-26	NO
Industrial applicability (IA)	Claims 1-27	YES
	Claims	NO

Citations and explanations:

This report has considered the following documents cited in the International Search Report:

D1 WO 2003/088983

D2 WO 1999/027942

D3 WO 1993/007754

NOVELTY (N): Claims 9-26

Claims 9-21 are directed to a contraceptive formulation comprising copper silicate and a pharmaceutically acceptable carrier. Claims 22-26 are directed to a contraceptive device comprising an effective amount of copper silicate. It is considered that the term "contraceptive" is non-limiting and merely denotes that the formulation and device are suitable for contraception.

D1 has disclosed a formulation comprising copper silicate as an acidified aqueous solution or micronised solid. It further discloses a dispensing means comprising a barrier material such as patches, gauzes and bandages impregnated with copper silicate (see page 2 lines 14-23, page 4 lines 18-20, page 8 lines 1-14 and the claims).

Therefore claims 9-26 lack novelty in view of the disclosures of D1.

D2 has disclosed a formulation comprising copper silicate in liquid or solid form (see page 3 lines 1-21).

D3 has disclosed a formulation comprising an aqueous acidified solution of copper silicate (see abstract).

Therefore claims 9-21 lack novelty in view of the disclosures of each of D2 and D3.

INVENTIVE STEP (IS): Claims 9-26

As above.

INDUSTRIAL APPLICABILITY (IA): Claims 1-27

Claims 1-27 have industrial applicability.